

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JEFFERSON O. SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-1490

PRIMECARE MEDICAL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendants' Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 29), and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.¹

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendants' Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 29), and **REMOVES** this matter from the Court's docket, consistent with the findings and recommendation.

¹ The Proposed Findings and Recommendation was returned marked undeliverable. The Clerk of Court has no current address for Plaintiff.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: June 10, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE